

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Davy Crockett Tower  
Nashville, Tennessee**

April 23, 2009

**Board Members Present**

Hal Balthrop, Professional Engineer  
Bob Campbell, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Bill Lockwood, Registered Landscape Architect  
David Schuermann, Registered Architect  
Leslie Shankman-Cohn, Registered Interior Designer  
Brenda Wood, Public Member

**Board Member Absent**

Richard Thompson, Registered Architect

**Associate Board Members Present**

Dennis Henderson, Professional Engineer  
Carlton Norris, Professional Engineer  
Raymond White, Professional Engineer

**Staff Present**

Robert Herndon, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

Don Baltimore, Tennessee Interior Design Coalition (TIDC)  
Nathan Ridley, Tennessee Chapter American Society of Landscape Architects (ASLA - TN)  
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Connie Wallace, American Institute of Architects of Tennessee (AIATN)

**CALL TO ORDER**

Jim Hastings, chair, called the meeting to order at 9:05 a.m. Roll call determined that a quorum was present.

No changes were made to the agenda.

**CONSENT AGENDA**

*1. Approval of Minutes (attached)*

Mr. Schuermann, seconded by Ms. Wood, moved to accept the minutes of the February 19, 2009, meeting as written. The motion passed unanimously.

2. *Approval of the Staff Complaint Report* (attached)

Mr. Campbell, seconded by Ms. Shankman-Cohn, moved to accept the Complaints for Board Decision as presented. The motion passed unanimously.

**PROFESSIONAL SOCIETY REPORTS**

1. *Candy Toler, TSPE/ACEC-TN*, reported on bills of interest to the Board:

- a. The “sign” bill (SB0059/HB0867), which seeks to exempt signs under a certain cost and size, has passed the Senate with an amendment that mirrors Metro Nashville Davidson County’s requirements for the design of signs and will go to subcommittee next week (has not passed the House).
- b. TSPE/ACEC-TN is working with the sponsors of SB0768/HB0541 to form an amendment. The bill mandates minimum yellow light exposure time for traffic signals.
- c. The sponsor of HB0771/SB0821, a bill which imposes the National Fire Protection Association Standards, has decided to pursue this bill next year.
- d. TSPE/ACEC-TN is monitoring SB2078/HB2016, the “Tennessee Interior Design Act,” and SB2079/HB1905, which provides for a reverse auction process in purchasing except for architectural and engineering services.

Ms. Toler announced that the TSPE/ACEC-TN Annual meeting will be held June 18-19, 2009, in Murfreesboro.

2. *Connie Wallace, AIA-TN*, reported that

- a. They are working effectively with the State Fire Marshal’s Office;
- b. Marie Murphy has been hired to work on electronic plans submission;
- c. They have secured an appeals process for plans review;
- d. They opposed some energy bills because there is a State Energy Policy which is overseen by the Building Commission of the State Architect’s office;
- e. The new constitutional officers are concerned with project delivery and are also focused on how designers are chosen. AIA is urging that limited changes be made; and
- f. The AIA-TN Convention is scheduled for July 29-August 1, 2009, in Knoxville.

3. *Don Baltimore, TIDC*, reported that the Tennessee Interior Design Act, which seeks to allow only qualified persons to use the title “interior designer,” and to design and do specifications for large commercial spaces, will come before the Senate Commerce, Labor and Agriculture Committee next week. TIDC is also following the sign exemption legislation.

4. *Nathan Ridley, ASLA-TN*, reported that they are working closely with the other professional societies; April is National Landscape Architect Month, and the ASLA Middle Tennessee Conference is scheduled for October 7-9, 2009.

## DIRECTOR'S REPORT

1. *Mr. Cothron* submitted the following report:
  - a. All of the grant contracts have been approved and grant funds have been distributed with the exception of UT Knoxville.
  - b. \$1,285,954 has been taken from our reserves, leaving us with an accumulated reserve of \$451,313 (see financial report).
  - c. Lipscomb University has agreed to host this year's planning session.
  - d. Carlton Norris will attend the NCEES Southern Zone meeting in New Orleans on May 14-16.
  - e. I have submitted a request for Jim Hastings and myself to attend the NCARB Annual Meeting in Chicago on June 17-20, at state expense. David Schuermann and Rick Thompson will be utilizing NCARB funding to attend.
  - f. A PDF version of the law has been placed on the Board website.
2. *Legislative Update* (attached)

Mr. Schuermann, seconded by Mr. Campbell, moved to oppose the Tennessee Interior Design Act (SB2078/HB2016). The motion passed with Ms. Shankman-Cohn voting against the motion.

Mr. Schuermann, seconded by Mr. Lim, moved to oppose SB0821/HB0771 which would require fire departments to adopt National Fire Protection Association Standards by 2012. The motion passed unanimously.
3. *Licensing and Complaint Data* (attached) were presented for informational purposes only.
4. *Financial Data* (attached) was submitted and reviewed by Mr. Lim. Mr. Cothron stated that the Board's revenue is remaining steady despite the economic climate.

## OLD BUSINESS

1. *Action Items* (attached)
  - a. Mr. Cothron reported that items assigned to him had been completed.
  - b. The Engineer Committee will consider if engineer applicants should complete the experience requirement prior to the date of application [rule 0120-01-.10(2)].
  - c. It was noted that the other items were either on the agenda or in process.
2. *Reference Manual Revisions* (attached)
  - a. Mr. Cothron pointed out significant changes made to the *Reference Manual for Building Officials and Design Professionals*.
  - b. Board members suggested that Appendix B have an introduction/explanation (see 3c on page five of the manual).
  - c. Board members asked that paragraph 1 of Appendix B be rewritten for clarification.

- d. In the Board's policy regarding townhouses, Mr. Herndon suggested that the definition of townhouses be quoted from the 1985 Standard Building Code.
- e. Ms. Shankman-Cohn stated that any changes to Appendix B should be consistent with answers to the "Frequently Asked Questions."

3. *University of Memphis Interior Design Program*

Mr. Schuermann, seconded by Ms. Shankman-Cohn, after having met with Michael Hagge, Chair of the Department of Architecture at the University of Memphis (UM) and at Mr. Hagge's request, moved to send a letter to Dr. Shirley Rains, President of the University of Memphis, and express the Board's support for UM's proposal to upgrade the Interior Design program from a Bachelor of Fine Arts degree with a major in Art and concentration in Interior Design to a Bachelor of Fine Arts degree with a major in Interior Design within the Department of Architecture (draft attached). The motion passed unanimously.

The Grants Committee will discuss allocating grant funds based on need rather than enrollment, and will study the possibility of allowing funds to go to programs working toward accreditation.

Break 10:30 – 10:40 a.m.

**NEW BUSINESS**

1. *Officer Nominations*

The Nominations Committee nominated the following as officers of the Board for 2009-2010:

Chair — Bob Campbell  
Vice Chair — Brenda Wood  
Secretary — Philip Lim

Voting will be held at the June meeting, and officers will take office on July 1, 2009.

2. *Council of Landscape Architectural Registration Boards (CLARB) Spring Meeting Report*

Along with a submitted written report of meeting outcomes (attached), Mr. Lockwood reported that

- a. there were in-depth discussions regarding testing requirements, grading, master graders, and how tests are scored;
- b. CLARB is looking to expand the number of times certain parts of the exam are offered; and
- c. a new program is being developed to track and record the continuing education activities of a CLARB record holder, thus facilitating registering in multiple states.

3. *Landscape Architecture Continuing Education System* (attached)

Mr. Cothron reported that the Landscape Architecture Continuing Education System (LA CES) has been created to provide a list of approved providers of continuing education courses for landscape architects. Mr. Lockwood, seconded by Mr. Schuermann, moved to, in the second paragraph of the Board's list of "Acceptable Continuing Education Providers", replace "CLARB" with "the Landscape Architecture Continuing Education System (LA CES)." The motion passed unanimously.

4. *National Council of Architectural Registration Boards (NCARB) Regional Meeting Report*

Mr. Schuermann reported that there is much concern regarding the amount and sort of cheating on the Architect Registration Exam (ARE); for example, a number of vignettes used in the ARE are being posted online. There was also much discussion about interior design practice legislation across the country and travel funding.

5. *Civil Penalty Schedule* (attached)

Mr. Cothron explained the method of creating and compiling the information contained within the Civil Penalty Schedule. Mr. Herndon suggested that such a report would help justify raising the amount of civil penalties. Board members agreed to further discuss this topic at the Fall Planning Session. In the meantime, the Law and Rules/Policies Committee will discuss the revised schedule.

**LEGAL CASE REPORT** (presented by Robert Herndon) (attached)

1. *Case #L00-AEL-RBS-2000032191* *Complaint #200003219*  
Mr. Campbell, seconded by Mr. Lockwood, moved to dismiss and close the case. The motion passed unanimously.
2. *Case #L04-AEL-RBS-2004180001* *Complaint #200418000*  
Mr. Lockwood, seconded by Mr. Lim, moved to dismiss and close the case. The motion passed unanimously.
3. *Case #L00-AEL-RBS-2000065741* *Complaint #200006574*  
*Case #L02-AEL-RBS-2002098701* *Complaint #200209870*  
Mr. Schuermann, seconded by Ms. Wood, moved to dismiss and close the cases. The motion passed unanimously.
4. *Case #L03-AEL-RBS-2003155241* *Complaint #200315524*  
Ms. Shankman-Cohn, seconded by Ms. Wood, moved to dismiss and close the case. The motion passed unanimously.
5. *Case #L06-AEL-RBS-2006010851* *Complaint #200601085*  
Mr. Campbell, seconded by Mr. Lockwood, moved to dismiss and close the case for lack of evidence of misconduct. The motion passed unanimously.
6. *Case #L07-AEL-RBS-2007053881* *Complaint #200705388*  
*Case #L07-AEL-RBS-20070538821* *Complaint #2007053882*  
Ms. Wood, seconded by Ms. Shankman-Cohn, moved to dismiss and close the cases for lack of evidence of misconduct. The motion passed unanimously.
7. *Case #L07-AEL-RBS-2007070611* *Complaint #200707061*  
Mr. Campbell, seconded by Mr. Lockwood, moved to dismiss the case for lack of evidence of misconduct. The motion passed unanimously.

8. Case #L07-AEL-RBS-2007071051 *Complaint #200707105*  
Mr. Schuermann, seconded by Ms. Wood, moved to dismiss the Consent Order and close the case. The motion passed unanimously.
9. Case #L07-AEL-RBS-2007071071 *Complaint #200707107*  
Mr. Campbell, seconded by Ms. Shankman-Cohn, moved to dismiss the Consent Order and close the case. The motion passed unanimously.
10. Case #L08-AEL-RBS-2008016811 *Complaint #200801681*  
Ms. Shankman-Cohn, seconded by Mr. Lockwood, moved to dismiss the consent Order, close the case, and flag the file. The motion passed unanimously.
11. Case #L08-AEL-RBS-2008016831 *Complaint #200801683*  
Mr. Lim, seconded by Ms. Wood, moved to authorize a formal hearing. The motion passed unanimously.
12. Case #L08-AEL-RBS-2008016891 *Complaint #200801689*  
Ms. Shankman-Cohn, seconded by Mr. Lockwood, moved to authorize a formal hearing. The motion passed unanimously.
13. Case #L09-AEL-RBS-2009002691 *Complaint #200900269*  
Mr. Campbell, seconded by Ms. Wood, moved to dismiss the Consent Order and close the case. The motion passed unanimously.
14. Case #L08-AEL-RBS-2008018861 *Complaint #200801886*  
Ms. Shankman-Cohn, seconded by Mr. Lockwood, moved to dismiss and close the case for lack of evidence of misconduct. The motion passed unanimously.
15. Case #L08-AEL-RBS-2008024201 *Complaint #200802420*  
Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to authorize a formal hearing to assess an appropriate civil penalty. The motion passed unanimously.
16. Case #L08-AEL-RBS-2008026021 *Complaint #200802602*  
Mr. Lockwood, seconded by Ms. Wood, moved to close the case with a Letter of Instruction. The motion passed unanimously.
17. Case #L09-AEL-RBS-2009003951 *Complaint #200900395*  
Mr. Campbell, seconded by Mr. Lockwood, moved to issue a Consent Order for a civil penalty of \$250.00. The motion passed unanimously.
18. Case #L09-AEL-RBS-2009000041 *Complaint #200900004*  
Case #L09-AEL-RBS-2009000042 *Complaint #200900004*  
These cases were referred to a Board member to review for competency issues.
19. Case #L09-AEL-RBS-2009002081 *Complaint #200900208*  
Mr. Lockwood, seconded by Ms. Shankman-Cohn, moved to issue a Letter of Caution. The motion passed unanimously.

*Recommendations as a Result of Informal Conferences*

1. Case #L07-AEL-RBS-2007087941 *Complaint #200708794*  
Case #L08-AEL-RBS-2008001731 *Complaint #200800173*  
Mr. Campbell, seconded by Mr. Lockwood, moved to
  - a. dismiss the first complaint once evidence is provided by the Respondent that the issues have been disposed of and
  - b. dismiss the second case due to lack of grounds for disciplinary action.The motion passed unanimously.

2. Case #L08-AEL-RBS-2008018251 Complaint #200801825  
Mr. Lockwood, seconded by Ms. Wood, moved to issue a Letter of Warning for failure to respond to an audit of continuing education hours, subject to the Respondent submitting the remaining fraction of hours to complete the continuing education requirement. The motion passed unanimously.

*Consent Orders with which respondents have complied:*

1. Case #L02-AEL-RBS-2002090881 Complaint #200209088  
Case #L06-AEL-RBS-2006014981 Complaint #200601498  
Ms. Shankman-Cohn, seconded by Mr. Lockwood, moved to accept the Final Order and close the case. The motion passed unanimously.
2. Case #L09-AEL-RBS-2009002441 Complaint #200900244  
Mr. Lockwood, seconded by Mr. Campbell, moved to accept the Final Order and close the case. The motion passed unanimously.

Mr. Lockwood, seconded by Mr. Lim, moved to adjourn. The motion passed unanimously.

The meeting adjourned at 11:33 a.m.

ATTACHMENTS

Minutes of the February 19, 2009 Meeting  
Complaints for Board Decision  
Pending Legislation  
Licensing Data  
Amendment to SB0059  
SB0059  
HB 2016  
Licensing Data  
Complaint Data  
Financial Data  
Action Items  
Reference Manual Revisions  
Draft Letter to Dr. Shirley Raines, President of the University of Memphis  
2009 CLARB Spring Meeting Outcomes  
LA CES Program Manual  
Acceptable Continuing Education Providers  
Civil Penalty Schedule  
Legal Case Report